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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,631	08/28/2003	Aaron Lloyd Freeman	3289W	7494

7590 02/08/2005

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EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,631	Applicant(s) FREEMAN ET AL.	
	Examiner Charles R Kasenge	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: In the phrase "The system of claim one" one should not be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Petite et al. 6,437,692. Referring to claims 1 or 2, Petite discloses in combination with an irrigation system having system components such as a water supply valve or a water supply pump and valves for selectively directing water to irrigation devices in at least one irrigation zone, an irrigation control system comprising: an irrigation controller including a microprocessor and a memory for storing irrigation program data and schedule data corresponding to the time and duration of the flow of water to said at least one irrigation zone, said microprocessor for producing control signals for activating components of the irrigation system, said microprocessor and said memory including an embedded Web server for communicating said irrigation program data and schedule data to and from HTML formats, an at least one relay in communication with said microprocessor for receiving said control signals and for switching electrical currents to said system components in response to said signals for activation of said system components, an

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Ethernet connection device for connecting said microprocessor to a LAN, whereby a network accessing device having a Web browser connected to said LAN may be used to interactively access said embedded Web server of said irrigation controller for viewing and changing of said irrigation program and schedule data. Petite discloses the system of claim 1, wherein, the Ethernet connection device is an on-board Ethernet chipset. The Office interprets the use of LAN as implicitly disclosing the use of Ethernet.

Referring to claims 3, 10-12, 14-17, 19 and 20, Petite discloses the system of claim 1, wherein, said LAN is also connected to the Internet such that a network accessing device connected to the Internet and having a Web browser may be used to interactively access said embedded Web server of said irrigation controller for viewing and changing of said irrigation program and schedule data.

Referring 4-6, 7 and 18, Petite discloses the system of claim one, further comprising: at least one weather sensor connected to said microprocessor and said memory storing weather data from said at least one weather sensor so that said network accessing device may be used to interactively access said embedded Web server to view said weather data. Petite discloses the system of claim 1, wherein, said HTML formats include a program and schedule form for viewing and changing program data including program names and run times for each zone and schedule data including start times for each program. Petite discloses the system of claim 1, wherein said at least one relay is a triac. The Office interprets a relay as inherently disclosing a triac relay.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petite as applied to the claims above, and further in view of Mecham et al. U.S. Patent 6,314,340. Petite does not expressly disclose stopping the operation of the irrigation system when the measured temperature falls below the freezing point of water, however Mecham does (col. 9, lines 17-23).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Mecham's irrigation stopping step for Petite's irrigation system. One of ordinary skill in the art would have been motivated to do this to prevent the irrigation system being ineffective in a frost condition (col. 9, lines 17-23)

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petite as applied to the claims above, and further in view of Dossey et al. U.S. Patent Application Publication 2002/0002425. Petite does not expressly disclose stopping the operation of the irrigation system when rain is detected, however Dossey does (pg. 2, paragraph 17).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Mecham's irrigation stopping step for Petite's irrigation system. One of ordinary skill in the art would have been motivated to do this to prevent the irrigation system being ineffective in a rainy weather conditions (9, lines 17-23)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
February 5, 2005



**LEO PICARD
SUPERVISORY PATENT EXAMINER
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